

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	<u>STIPULATION AND ORDER</u>
- v. -	:	20 Cr. 93 (LTS)
MICHAEL ACKERMAN,	:	
	:	
Defendant.	:	
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WHEREAS, on or about February 3, 2020, MICHAEL ACKERMAN (the “Defendant”), was charged in a two-count Indictment, 20 Cr. 93 (LTS) (the “Indictment”), with wire fraud, in violation of Title 18, United States Code, Section 1343 and 2 (Count One); and money laundering, in violation of Title 18, United States Code, Section 1956(a)(1)(B)(i) (Count Two);

WHEREAS, the Indictment included a forfeiture allegation as to Count One of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment, and, *inter alia*, the following property:

- i. 3300 Wooster Road, Rocky River, Ohio, 44116, Legal Description SEC 14 SEC 17 30429047 (the “Subject Property”);

WHEREAS, on or about July 29, 2021, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit, to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,

United States Code, Section 2461(c), all right, title and interest of the Defendant in, *inter alia*, the Subject Property;

WHEREAS, on or about September 21, 2022, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 57)¹, which, *inter alia*, ordered the forfeiture of all right, title and interest of the Defendant in, among other things, the Subject Property;

WHEREAS, Petitioner Linda Frederickson (“Petitioner”) has advised the Government of her interest in the Subject Property;

WHEREAS, the Government recognizes that Petitioner has a superior interest in the Subject Property, pursuant to Title 21, United States Code, Section 853(n)(6)(B); and

WHEREAS, the Government and the Petitioner have agreed, in order to avoid further litigation, to resolve the claims to the Subject Property as set forth below.

IT IS HEREBY STIPULATED AND AGREED and ORDERED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Sheb Swett, of counsel, and Petitioner Linda Frederickson, and her counsel, Melissa Snyder, Esq., (the “Parties”) that:

1. Petitioner Linda Frederickson has a superior interest in the Subject Property, pursuant to Title 21, United States Code, Section 853(n)(6)(B), and the Government shall not seek to forfeit the Subject Property or otherwise include the Subject Property in a Final Order of Forfeiture.

2. Upon the filing of this Stipulation and Order, the Government will file a

¹ The Preliminary Order of Forfeiture was subsequently corrected on or about March 8, 2022 (the “Corrected POF”) (D.E. 76) for administrative purposes only.

Release of Lis Pendens with the Cuyahoga County Recorder, Cleveland, Ohio, and take such other and further steps to remove any encumbrance the Government may have on the Subject Property.

3. The terms of this Stipulation and Order shall be subject to approval by the Court. Violation of any terms or conditions herein shall be construed as a violation of an Order of the Court.

4. The Petitioner is hereby barred from asserting, or assisting others in asserting, any claim, including third-party claims and any claim for attorney's fees and costs, against the United States or any of its agents and employees, including the Department of Justice ("DOJ"), United States Marshals Service ("USMS"), the Federal Bureau of Investigation ("FBI"), the United States Customs and Border Protection ("CBP") and this Office (the "USAO-SDNY"), as well as any and all employees, officers, and agents of the DOJ, USMS, the FBI, the CBP and the USAO-SDNY in connection with, or arising out of, the United States' seizure, restraint, custody, or control over the Subject Property.

5. Petitioner agrees to hold harmless the United States, DOJ, the FBI, the CBP, the SDNY-USAO, the USMS, and any and all employees, officers, and agents of said entities from any and all third party claims of ownership of the Subject Property.

6. Each party signing this Stipulation and Order warrants that they are authorized to sign this Stipulation and Order on behalf of the party for whom their signature appears.

7. The Parties hereby agree to waive all rights to appeal or otherwise challenge or contest the validity of this Stipulation and Order.

8. Each party shall bear its own costs and fees, including attorney's fees.

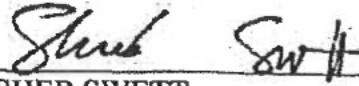
9. This Court will have exclusive jurisdiction over the interpretation and

enforcement of this Stipulation and Order.

10. This Stipulation and Order constitutes the complete agreement between the Parties and may not be amended except by written consent of the Parties.

11. The signature pages of this Stipulation and Order may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

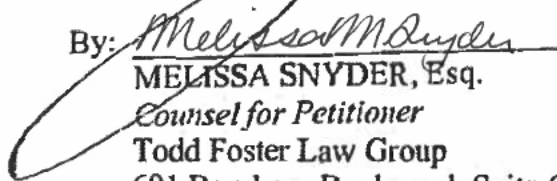
By: 
SHEB SWETT
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-6522

11/22/2022
DATE

LINDA FREDERICKSON, *Petitioner*

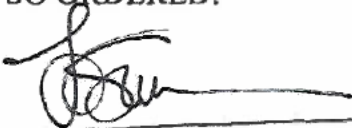
By: 
LINDA FREDERICKSON

12/6/2022
DATE

By: 
MELISSA SNYDER, Esq.
Counsel for Petitioner
Todd Foster Law Group
601 Bayshore Boulevard, Suite 615
Tampa, FL 33606
(813) 565-0600 ext. 204

12/6/2022
DATE

SO ORDERED:


HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

12/7/2022
DATE